IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 25815 of 2003

Between:

1. Andhra Rashtra Soma Vamsha[Sara] Kshatriya Sangam Reg.No.1160/76, H.No.1-8-702/32/42, Nallakunta, Hyderabad, rep., by its President.

2. B. Hanumantha Rao S/o.B.Ramachander Rao [President] Hyderabad.

3. V. Srihari S/o. V. Veeranna, [Organising Secretary] R/o. H.No.2-2-1167/A/3, Tilaknagar, Hyderabad.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, rep., by its Principal Secretary, B.C. Welfare [M-1] Department, Secretariat, Hyderabad.

2. The Chairman, A.P. Commissioner for Backward Classes, 8th Floor, Chandravihar, M.J.Road,Hyderabad

3. The Commissioner, B.C.Welfare Department, Government of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to issue B.C."A" status to the members of the "Sarollu (Somavamsha Kshatriya) community having regard to the inclusion of "Sarollu (Somavamsha Kshatriya) community in the list of OBCs prepared by the Central Government and also by implementing the recommendations of the District Collectors and the Director of B.C.Welfare and further direct the respondents to

include the "Sarollu"(Somavamsha Kshatriya) community in the list of B.C."A" category pending receipt of the report of the A.P. Commission for B.Cs and issue B.C."A" Certificates to the "Sarollu"(Somavamsha Kshatriya) community.

Counsel for the Petitioner:MR.M.RATNA REDDY

Counsel for the Respondent Nos 1 to 3.: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

Petitioners claim to represent the interests of Somavamsha (Sara) Kshatriya Community. The 1st petitioner is the Sangam and the 2nd petitioner is its President. It is contended that members of the community are popularly known as “Sarollu’, reside in Hyderabad, Ranga Reddy, Medak and Warangal Districts in the State. They pursue a traditional occupation of selling country wine. They claim a very low educational levels and therefore, to the benefits of backwardness as available under the Constitution and of the Laws and executive orders. They contend that the National Backward Class Commission (Mandal Commission) recommended for inclusion of the “Sarollu” community in the All India OBCs list pertaining to Andhra Pradesh and accordingly, by the Gazette Notification, dated 4-4-2000, the “Sarollu” community was included in the OBCs list of Andhra Pradesh. In 1991, the petitioners claim to have represented for inclusion in the State B.C. list. As the term of the earlier Backward Class Commission of the State stood terminated before submission of the report, the petitioners contend that their claim for inclusion in the B.C list of the State could not fructify. It is also contended that the communities by name Are, Arevallu and Arollu of Telangana Districts, who have been agitating for their inclusion in the B.C. list, have been favourably dealt with by the Government and these communities were included in the backward class Group ‘D’ by the orders of the Government in G.O.Ms.No.11 B.C.Welfare (C2) department dated 13-05-2003 pending receipt of the report from the Andhra Pradesh Commission for Backward Classes. On this basis, the petitioners seek a direction to the respondent to issue B.C.”A” status to the members of the “Sarollu” or “Soma Vamsha Kshatriya” community.

No such mandamus, as sought by the petitioner, could be granted by this Court within the constraints of the Article 226 of the Constitution of India. The factual ascertainment of backwardness or the entitlement of the Soma Vamsha Kshatriya

/Sarollu community for inclusion in the list of Backward Classes of the State is not a function that is consecrated to the jurisdiction of this Court, under the Constitution, nor is this Court equipped to deal with such issues which involve complex policy choices. They are areas appropriately and compellingly consecrated to the discretion of the Executive under the scheme of the divided powers under the Constitution. Having regard to the fact that there exists now, a Commission for the Backward Classes, it is more appropriate that the petitioners should address their claim to such a commission. On such a claim being preferred by the petitioners this Court is not in doubt, the petitioners' claim will receive due, adequate and appropriate consideration by the Andhra Pradesh Commission for Backward Classes.

In any view of the matter, the writ petition as conceived, pleaded and instituted is misconceived, beseeches rejection and is accordingly dismissed. No costs.

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01-02-2005

To

1. The Government of Andhra Pradesh, rep., by its Principal Secretary, B.C. Welfare [M-1] Department, Secretariat, Hyderabad.

2. The Chairman, A.P. Commissioner for Backward Classes, 8th Floor, Chandravihar, M.J.Road,Hyderabad

3. The Commissioner, B.C.Welfare Department, Government of A.P., Hyderabad.

4. Two CCs to the Government Pleader for Social Welfare, High Court Building, Hyderabad. (OUT)

5. Two C. D copies.

Sj/pvsn